

# Project and Practice Assurances

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BWSR requires assurances from grantees that installed conservation practices and projects meet the purposes of the grant program, will remain in place for the lifespan expected, and will provide the water quality benefits for which they were designed. Factors such as grant program requirements, partners, landownership, type of practices, and cost influence what type of and when certain assurances are required or used.

The first level of assurance is the executed grant agreement and associated approved work plan, if applicable, between BWSR and the grantee. The next level is Technical Quality Assurance (TQA) that requires conservation practices and projects to be installed according to appropriate technical standards and designs; with appropriate technical and/or engineering expertise and oversight; and with thorough post-construction operation, maintenance, and inspections. Additionally, assurance that maintains access for inspections, operation, and maintenance must be provided. Final levels of assurance vary by statute, rule, policy, grant agreement, or through local decision and may include such activities as a conservation practice contract with the participating land occupier, an agreement with a partner organization, recording the practice(s) with the property title, easements, or other means to guarantee the long-term environmental benefits of the project are met.

Conservation practice or financial assistance contracts between grant recipients and landowners are required when funds are used to provide financial assistance to install practices. When used, these contracts must at a minimum identify: provide financial assistance information and expectations; identify the responsibility for operation and maintenance, including maintenance or control of the contributing watershed; include a technical and financial plan for failures; allow for inspections by the grant recipient of the practice; be in effect for a period that corresponds to the expected life of the project; and may be required to include replacement provisions and pro-rated pollution effectiveness replacement. For practices installed on public land, operation and maintenance plans may be identified as part of capital infrastructure maintenance. Some grants require BWSR review of contracts prior to implementation. All contracts are recommended to be reviewed by the grant recipient's legal counsel.

When passing funds to partner(s), an agreement and work plan regarding fund distribution, reporting, and project approval between partners is required. BWSR review and approval of these agreements may be required; see the assignments section of the grant agreement and contact your Board Conservationist for more information.

Operation and Maintenance plans for practices that are within their expected lifespan, assurances that the land occupier or land occupiers will keep those practices in place for their intended use for their lifespan (such as easements, deed recordings, enforceable contracts, performance bonds, letters of credit, and termination or performance penalties), and inspection reports on those practices (including practices and projects that involve incentives, such as nutrient management plans), according to the schedule outlined in the plan.

The diagram below outlines scenarios when assurances are required or may be needed. In general, the assurances that are required of primary grant recipients are also required of project partners, including those that receive portions of the original grant for use in project activities.